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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/091,573
Filing Date: March 07, 2002
Appellant(s): KRAENZEL ET AL.

MAILED
DEC 12 2007
GROUP 3600

Christopher M. Tucker
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 9/13/07 appealing from the Office
action mailed 4/9/07

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,960,173

TANG et al

12-1995

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. **Claims 1-2, 4-6, 8, 12 (method), 14-15, 17-19, 21, 25 (system), 26-27, 29-31, 33 and 37 (product) are rejected under 35 U.S.C. 103(a) as being unpatentable over TANG et al.**

As of 1/11/07, claim 1 is as followed:

1. (Currently Amended) A computer-implemented method, comprising the steps of:
 - (a) enabling one or more users to declare, and associate information with, one or more topics, wherein associated information for a declared topic comprises at least one of a topic description, or one or more keywords relating to the topic;
 - (b) storing declared topics and their associated information; monitoring the computing activities of a user;
 - (c) determining if the user appears to be interested in a declared topic based on the monitored activities and based on the declared topic's associated information; and
 - (d) notifying the computer user of the existence of the declared topic if it appears that the is interested in the declared topic.

Note: for convenience, alphabetical letters (a)-(d) are added to the beginning of each step.

In summary, it appears that claim 1 is a computer-implemented method and wherein data/information is input in step (a) and stored in step (b) in a database, and based on the data/information of (b), carrying out steps (c) and (d). The data/information in step (a) is about a topic with associated information, wherein the associated information comprises at least one topic description and the data/information is declared by a user. Therefore, step (a) is basically mounted to an inputting of data/information about a topic with a topic on a computer by a user. The phrase "enabling one or more users to declare and associate" is considered non-functional descriptive material about the "information" and has no patentable weight.

Similarly, in a system/method for enabling awareness of others working on similar tasks in a computer working environment (collaborative computer system),

TANG et al discloses a computer implemented method, comprising the steps of:

(a) inputting information about a user and associate information with, one or more features such as user's application, messages, user's position in the application, wherein associated information or features comprises at least one of a application type, or one or more words about application's name or other matching criteria;

{see col. 14, lines 5-25}

(b) storing declared topics and their associated information; monitoring the computing activities of a user;

{see col. 14, lines 5-25}

monitoring the computing activities of a user of a computer;

{see col. 3, lines 25-45, col. 5, lines 1-30, Fig. 7 ("145 Activity Monitor")}

(c) determining if the computer user appears to be interested in a declared topic based on the monitored activities and based on information stored in a database that is associated with the declared topic; and

{see col. 3, 50-55 "... determining task proximity between different users...", col. 5, lines 1-55, col. 14, lines 20-30}

(c.) notifying (informing) the computer user that the topic has been declared if it appears that the computer user is interested in the declared topic.

{see Fig. 1, element (20) "Encounter", Figs. 3, 4, col. 4, 30-50}

"... for informing the current worker which other worker are task proximate ...", col. 5, lines 1-65}. Note on col. 5, lines 1-67, TANG et al discloses various parameters for carrying out the step of determining if the user appears to be interested or task proximity such as the application (data), function (task) and time similarity (or constraint). Therefore, the selection of any of the determining variables or parameters, i.e. number of similar tasks or functions, would have been obvious to a skilled artisan as mere routine experimentations since this depends on degree of accuracy or effectiveness of the task proximity or related determination.

TANG et al fairly teaches the claimed invention except for explicitly disclosing the limitations in step (a) of "enabling a user to declare, and associate information with another data/information such as topic and the different features in (a) of topic description or keywords relating to the topic. However, as indicated above, claim 1 is a computer-implemented method and wherein data/information is input in step (a) and stored in step (b) in a database, and based on the data/information of (b), carrying out steps (c) and (d). The data/information in step (a) is about a topic with associated information, wherein the associated information comprises at least one topic description and the data/information is declared by a user. Therefore, step (a) is basically mounted to an inputting of data/information about a topic with a topic on a computer by a user. The phrase "enabling one or more users to declare and associate" is considered non-functional descriptive material about the "information" and has no patentable weight. In

other word, TANG et al does not need to include this limitation even though it may be inherently included when the data of the user is stored in the database before being used by the "Encounter Server 141". Therefore, TANG et al teaches the claimed invention except for associating information with another data/information such as topic comprising a topic description or a keyword relating to the data/information.

However, in view of the general teachings of col. 14, lines 5-25, TANG et al discloses the comparing with previous stored type of application, application name, or other matching criteria, since the name or title of the application normally contains keyword or topics, it would have been obvious to a skilled artisan to modify the teachings (matching criteria) to include well known parameters for searching and matching such as topic description or keywords relating to the topics as mere using other similar terms.

As for dep. claims 2, 4-6 (part of 1 above), which deals with well known monitoring user activities (profiles/information/data) parameters, i.e. messages including e-mails, instant messages, etc., the monitoring and tracking of user data (accessing/retrieving) is taught in col. 3, lines 25-30 " ... *type of work they are doing, such as the data they are accessing..*", col. 5, lines 25-30 "... *accessing the same web page or email message ...*". Col. 5, lines 45-65 and col. 6, lines 50-57. TANG et al fairly teaches the concept of content extraction to determine task proximity. Therefore, it would have been obvious to apply the same data content extraction method to other communication data such as e-mails, instant messages, etc. as mere using other similar user information /data.

As for dep. claims 8, 12 (part of 1 above), which deals with steps (b) determining proximity/interested level parameters and (c) notifying others parameters, These parameters are fairly taught in col. 6, line 22 to col. 7 line 35, Fig. 2 (20), Figs. 3-4, Fig. 5a/5b (18) "Mode of awareness", Fig. 9. "Level of activity". The use of other similar determining or notifying parameters would have been obvious to a skilled artisan as routine experimentations to determine effective results for various applications.

As for independent system claim 14, which is the system to carry out the method of independent method claim 1 above, it's rejected over the system of TANG et al in order to carry out the method as rejected in claim 1 above. Alternatively, it would have been obvious to a skilled artisan to set up a system in TANG et al to carry out the steps in the rejection of claim 1 above.

As for dep. claims 15, 17-19, 21, 25 (part of 14 above), which have similar limitation as in dep. claims 2, 4-6, 8 and 12 (part of 1 above), they are rejected for the same reasons set forth in the rejections of dep. claims 2, 4-6, 8 and 12 above.

As for independent product claim 26, which is the computer program product being embodied in a computer readable medium and comprising the computer instructions for carry out the method of independent method claim 1 above, it's rejected over the computer program product of TANG et al to carry out the method as rejected in claim 1 above. Alternatively, it would have been obvious to a skilled artisan to set up a computer program product in TANG et al to carry out the steps in the rejection of claim 1 above.

As for dep. claims 27, 29-31, 33, and 37 (part of 26 above), which have similar limitation as in dep. claims 2, 4-6, 8 and 12 (part of 1 above), they are rejected for the same reasons set forth in the rejections of dep. claims 2, 4-6, 8 and 12 above.

(10) Response to Argument

As for dep. claims 27, 29-31, 33, and 37 (part of 26 above), which have similar limitation as in dep. claims 2, 4-6, 8 and 12 (part of 1 above), they are rejected for the same reasons set forth in the rejections of dep. claims 2, 4-6, 8 and 12 above.

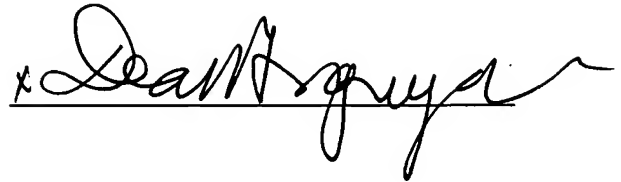
(10) Response to Argument

Appellant's main argument is that TANG et al fails to teach the limitation of "enabling a user to declare and associate information/data with one or more topic" as admitted by the examiner. However, as indicated above, claim 1 is a computer-implemented method and wherein data/information is input in step (a) and stored in step (b) in a database, and based on the data/information of (b), carrying out steps (c) and (d). The data/information in step (a) is about a topic with associated information, wherein the associated information comprises at least one topic description and the data/information is declared by a user. Therefore, step (a) is basically mounted to an inputting of data/information about a topic with a topic on a computer by a user. The phrase "enabling one or more users to declare and associate" is considered non-functional descriptive material about the "information" and has no patentable weight. In other word, TANG et al does not need to include this limitation even though it may be inherently included when the data of the user is stored in the database before being used by the "Encounter Server 141". Therefore, TANG et al teaches the claimed invention except for associating information with another data/information such as topic comprising a topic description or a keyword relating to the data/information.

For the above reasons, it is believed that the rejections should be sustained.

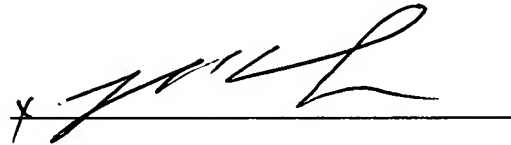
Respectfully submitted,

Dean Tan Nguyen

x 

Conferees:

1) John Weiss, SPE 3629

x 

2) Jon Ouellette

x 

However, in view of the general teachings of col. 14, lines 5-25, TANG et al discloses the comparing with previous stored type of application, application name, or other matching criteria, since the name or title of the application normally contains keyword or topics, it would have been obvious to a skilled artisan to modify the teachings (matching criteria) to include well known parameters for searching and matching such as topic description or keywords relating to the topics as mere using other similar terms.